

Remarks

Claims 1-11 are pending. Claims 1-11 were rejected under Section 102 as being anticipated by Bowman (5329934) (Claims 1-4) or under Section 103 as being obvious over Bowman in view of Powell (2700381) (Claims 5-11). The Office asserts without any analysis or explanation that the limitations of Claims 1-4 are shown in Bowman Figs. 1 and 2.

Claim 1 recites an infant holder that includes a body having a recess therein configured to support an infant's torso and legs such that the thighs extend out from the torso at an angle in the range of 70°-120° and incline relative to the torso at an angle in the range of 20°-50°. Bowman shows an infant strapped down to a soft flat pad. Bowman does not teach the claimed recess. It is clear from Figs. 3 and 6 in Bowman that torso pad 40 has no recess. Pad 40 is flat. Even if it is assumed that the depressions formed in torso pad 40 from the weight of an infant lying on pad 40 might somehow reasonably be deemed the claimed recess (which they can not), any such "recess" is not configured to support the infant's legs. Indeed, there is no apparent leg support at all in the restraint device disclosed in Bowman. Fig. 2 in Bowman shows the legs suspended over torso pad 40 and fabric casing 21. While one might speculate that the infant's legs could be strapped down tightly against torso pad 40, torso pad 40 could hardly be deemed to support the legs in any such configuration. Moreover, strapping the infant's legs down tightly against torso pad 40 would bring the legs into the same plane as the torso, eliminating the leg to torso incline recited in Claim 1.

The Office has failed to establish a *prima facie* case of anticipation with regard to Claim 1 and the rejection of Claim 1 should be withdrawn. For these same reasons, the rejection of Claims 2-4 depending from Claim 1 should also be withdrawn.

With regard to Claims 5-11, the Office asserts that Bowman teaches the claimed configurations except for plural recesses taught by Powell. The Applicants acknowledge that recessed infant holders were known in the art – the Circumstaint™ mentioned in the Background section of the application is one such holder. So far as is relevant to the claimed invention, however, Bowman stands for the unremarkable proposition that if you lay an infant on its back on a flat surface, the legs will stick out from the torso in the manner shown in Bowman Fig. 2. Indeed,

the claimed infant holder takes advantage of this fact by providing features that **support** the infant in this natural position, specifically including the infant's legs. When the holder **supports** the infant in this natural position, the infant may be immobilized in this natural position. In Bowman, by contrast, the infant is not supported in this natural position. Hence, to immobilize the infant in the restraint device shown in Bowman, the infant's legs must be strapped down flat against pad 40.

Specifically with regard to Claim 5, Bowman does not teach or suggest all of the limitations of the base claim as noted in the discussion above for Claim 1.

Specifically with regard to Claims 6 and 10, Bowman does not teach or suggest recessed portions or recesses (or any other feature) for supporting an infant's legs extending and inclining at the claimed range of angles.

Further with regard to Claims 7 and 11, which depend from Claims 6 and 10 respectively, Bowman does not teach or suggest an inclining torso support as claimed. The Office's assertion that such an incline is shown in Bowman Fig. 1 is incorrect because Fig. 1 is a plan view of the restraint device – any incline would not be apparent in Fig. 1. The elevation section view in Bowman Fig. 2 clearly shows no incline.

For these reasons, the Office has failed to establish a *prima facie* case of obviousness as to Claims 5-11 and the rejection of those claims, therefore, should be withdrawn.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,



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